

REMARKS

POSTURE OF THE CASE

As noted above, the November 27th Office Action stated that the response to the Restriction Requirement dated August 24, 2007 was made in good faith, but did not contain a “proper” response. Applicants’ understanding, therefore, is that the amendments to the application made in that response, and the elections contained therein, were not entered. Accordingly, Applicants resubmit those amendments and elections herein, corrected as required by the November 27th Office Action.

INTERVIEW SUMMARY

On December 7, 2007, the undersigned spoke with Examiner Scott Hughes regarding what would be considered a proper response to the election of species requirement A. No other parties participated. There was no discussion of any substantive matter. There consequently was no discussion of any claim with respect to any reference.

ELECTIONS

The Office required a restriction and, contingent upon the election responsive the restriction requirement, a number elections.

The restriction was between Group I, drawn to a seismic cable, and Group II, drawn to a method of producing a seismic sensor cable. Applicants elect Group I, with traverse. Applicants identify the claims of Group I as claims 1-19.

Upon election of Group I, the Office required an election A among the species defined by the sensors in the housing. The Office did not otherwise identify these species. Applicants identify these species as the permutations of a geophone, an accelerometer, a hydrophone, a tilt meter, and a magnetometer. Among these species/permutations, Applicants elect, with traverse, the species in which the sensors in the housing include all of a geophone, an accelerometer, a hydrophone, a tilt meter, and a magnetometer. Applicants identify the claims of this species as claim 2. Applicants note that claim 2 reads on all the species.

Upon election of the species in election A, the Office required election to one of the following species:

- (a) the embodiment wherein the leads are optical leads only.
- (b) the embodiment wherein the leads are electrical leads only.

Applicants elect, with traverse, the species b, in which the leads are electrical. Applicants identify the claims of this embodiment as claim 11. Applicant notes that claim 11 is generic to both species.

Upon election between species a or b, the Office required election among the following species:

- (i) the embodiment wherein the cross section of the bundle of leads is cylindrical only;
- (ii) the embodiment wherein the cross section of the bundle of leads is oval only; and
- (iii) the embodiment wherein the cross section of the bundle of leads is flat only.

Applicants elect, with traverse, species (i), and identifies the claims of this species as claim 12. Applicants note that the species (i) is generic to the species (ii).

Upon election of species (i), (ii), or (iii), the Office required election AA among the following species of the stress member, *i.e.*, the permutations of an aramide rope, a steel rope, and a utility cable. Applicants elect the species in which the stress member comprises a steel rope. Applicants identify the claims of this species as claim 13. Applicants note that claim 13 is generic to all species.

Upon election AA, the Office required election among the following species:

- (aa) the embodiment wherein the first sheath comprises a skin only;
- (ab) the embodiment wherein the first sheath comprises a jacket only;
- (ac) the embodiment wherein the first sheath comprises an extrusion matrix only;
- (ad) the embodiment wherein the first sheath comprises a skin and jacket only;
- (ae) the embodiment wherein the first sheath comprises a skin and extrusion;
- (af) the embodiment, wherein the first sheath comprises a jacket and extrusion matrix only; and
- (ag) the embodiment wherein the first sheath comprises a skin jacket and extrusion matrix.

Applicants elect, with traverse, species (ag). Applicants identify the claims of species (ag) as claim 16. Applicants note that claim 16 is generic to all species.

TRAVERSAL OF THE ELECTION REQUIREMENTS

Applicants agree that the present application is subject to “unity of invention” practice under PCT Rule 13 rather than restriction practice. M.P.E.P. §1893.03(d). Applicants also agree that the test is whether:

...there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.

M.P.E.P. §1850. The Office maintains that there is no common “special technical feature” defining over the art, and that “restriction” among disclosed inventions is therefore proper. Applicants disagree.

In particular, each of the independent claims recites “a stress member extending continuously through the sensor module”. The art of record neither teaches nor suggests this limitation. The Office cites U.S. Letters Patent 6,333,897 (“Knudsen et al.”) and U.S. Letters Patent 6,041,282 (“Wardeberg et al.”).

Knudsen et al. clearly discloses in Figure 2 that the “central element” 2 is discontinuous, as it attaches to either end of the housing 15.

Wardeberg et al. teaches at col. 2, lines 4-6 only that “[a] number of longitudinal strength elements (not shown) could be arranged underneath the tube in parallel with the cable axis.” The “tube” is presumably the tube 5. The strengthening members therefore, at the very least, do not extend “through the sensor module”. They also may not even be continuous. Wardeberg et al. is silent on that structural characteristic of the strengthening members.

Accordingly, the independent claims do, in fact, share a common “special technical feature”—namely, “a stress member extending continuously through the sensor module”. The art of record neither teaches nor suggests this limitation. Applicants therefore respectfully submit that unity of invention is present, and that the “restrictions” are improvident. Applicants therefore request that all the requirements be withdrawn.

The Examiner is invited to contact the undersigned attorney at (713) 934-4053 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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